

Senate Bill 971
House Conservation, Forestry and Outdoor Recreation Committee
Rep. Tom Casperson, Chair
April 27, 2006
Senator Cameron Brown testimony

Representative Casperson and Committee Members:

Thank you for allowing me to speak to Senate Bill 971 this morning.

SB 971 (S-3):

There is currently no – absolutely NO oversight over the sale of either state park land or other critical open or wilderness areas in the state. If the DNR wanted to sell any state park tomorrow, all it would have to do is simply declare that land surplus land and put it up for public sale. There is absolutely no requirement for public notice, no requirement for the state park advisory committee to review the proposal and no requirement for the legislature to even consider the proposed sale.

By implementing the protections found in SB 971 (and 972), there will be three new critical reviews and significant impediments to the DNR ever selling state park land or any critical wilderness area—the general public, the state park advisory committee and the entire state legislature.

This legislation is modeled after many other states' programs that require legislative oversight over state park land – all states where the general public demanded increased intervention by the state legislature over a state agency's ability to sell valuable park land.

The bills passed the Senate unanimously.

SHORT SUMMARY: SB 971

Senate Bill 971 (and SB 972), if enacted, establish further review and legislative oversight over the Department of Natural Resources (DNR) authority to sell state park land. The Citizens Committee for Michigan state parks (Committee) would have to recommend the sale of a park through a simple majority vote, and the DNR would have to hold a public hearing in the vicinity of the park proposed for sale. If the DNR still wants to proceed, it would have to make a specific recommendation to the Legislature that a

state park be sold. Only by the Legislature passing a specific act, could a state park be sold.

Senate Committee Substitute: SB 971 (S-3)

Made several critical changes to the bill:

1. Requires the State Parks Advisory Committee (Committee) to prepare and submit a report to the legislature within two years making recommendations on how to improve state park programs, facilities, services and relationships among the parks.
2. Sets forth a new process for the transfer, either by sale or otherwise, by the DNR of more than 15% of state park (state park defined to be a park designated by the NDR director as of the effective date of this bill/act).
3. Once DNR submits its written recommendation, the transfer cannot be completed until the Legislature removes the prohibition against the transfer of more than 15% of a state park by passing a specific act authorizing that sale (similar to the current method for approving other land conveyances by the state).

As Passed the Senate:

- The floor substitute adds all state wilderness areas, wild areas, or designated natural areas to the requirement for legislative oversight so that none of these areas could be sold without legislative approval.
- The substitute also requires local public notice as well as notice to the parks advisory committee of such proposed sales.
- The substitute further adds the requirement that the sale of all smaller parcels of state park land (smaller than either 15% or 100 acres) must be publicly noticed and the legislature must receive a notice of the proposed sale of those lands.
 - If the legislature does not act within 60 days to specifically reject the sale of those lands, the sale may proceed.
 - Further, the DNR is required to publish on its website a list of the current acreage (as of the effective date of this legislation) of all state parks.

- The substitute was amended on third reading to add an additional notice requirement for the sale of smaller parcels of state park land—requiring the DNR to post on its website the proposed sale of these smaller parcels.

BACKGROUND:

In the fall 2005 issue of the Michigan Privatization Report, Russ Harding, former chief of the Michigan state parks, recommended the sale of some less than unique state parks. Mr. Harding proposed that the sale of certain parks would allow for multiple benefits:

1. The cash-strapped state would realize a considerable windfall from the sale of these properties, which often contain waterfront and other features prized by private citizens.
2. The liquidation of these properties would allow state park managers to focus their limited resources on protecting the state's truly outstanding natural and historic sites.
3. Taxpayer-subsidized competition with private campgrounds would be reduced significantly.
4. The privatized properties would be placed back on local tax rolls.

Mr. Harding proposed fourteen parks that would be candidates for liquidation, either for being prime targets for privatization or for lack of uniqueness.

Ron Olson, chief of state parks for the DNR, said that the Committee is looking at whether all of the current state parks should be kept in its review on making the system self sufficient. He commented on the prospect of the sale of state parks: *"I'm not in favor of the conclusion, but we owe it to the system to look at everything. Let's ask ourselves that question about the intrinsic value of these lands and can they stand up to the criteria of what makes a state park a state park?"*

There is however, no method of evaluation as to which parks should and should not be sold. Currently, the DNR has sole authority to liquidate properties as per section 2131 (MCL 324.2131) of PA 451 of 1994.

Programs that regulate the sale of state parks have been used by many states, including New Mexico, Delaware, Washington, and Maryland, where parks protection has been added as a constitutional amendment after the governor nearly sold and developed an environmentally sensitive parcel of state land.